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10/713,733	11/13/2003	Elmootazbellah Nabil Elnozahy	AUS920030760US1	2697

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EXAMINER	
SAVLA, ARPAN P	
ART UNIT	**PAPER NUMBER**
2185	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/17/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/713,733	ELNOZAHY ET AL.	
	Examiner	Art Unit	
	Arpan P. Savla	2185	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 January 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

This Office action is in response to Applicant's communication filed January 20, 2007 in response to the Office action dated October 20, 2006. Claims 7 and 14 have been amended. Claims 21-23 have been canceled. Claims 1-20 are pending in this application.

USC §103(c)

1. The terminal disclaimer filed January 20, 2007 in combination with "Declaration To Disqualify Prior Art Under U.S.C. §103(c)" filed July 14, 2006 sufficiently disqualifies the Arimilli reference (U.S. Patent 6,907,494) as prior art under USC §103(c).

REJECTIONS BASED ON PRIOR ART

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-7, 9-17, and 19-20 are rejected under 35 U.S.C. 103(a) as being obvious over Applicant's "Description of the Related Art", hereafter "Applicant's admitted prior art (AAPA)" in view of Armangau (U.S. Patent 6,434,681).

4. **As per claim 1**, AAPA discloses a method of assigning virtual memory to physical memory in a data processing system, comprising the steps of:

allocating a set of physical memory pages of the data processing system for a new virtual superpage mapping (pg. 5, lines 13-16);

instructing a memory controller of the data processing system to move a plurality of virtual memory pages corresponding to an old page mapping to the set of physical memory pages corresponding to the new virtual superpage mapping (pg. 5, lines 16-17). *It should be noted that the "processor" is analogous to the "memory controller."*

AAPA does not expressly disclose accessing at least one of the virtual memory pages using the new virtual superpage mapping while the memory controller is copying old physical memory pages to new physical memory pages.

Armangau discloses accessing at least one of the virtual memory pages using the new virtual page mapping while the memory controller is copying old physical memory pages to new physical memory pages (col. 2, lines 16-18; col. 15, line 52 – col. 16, line 13; Fig. 7B, elements 124-129). *It should be noted that the "snapshot volume" is analogous to the "new virtual page mapping", the "production volume" is analogous to the "old physical memory pages", and the read/write access during snapshot maintenance is analogous to access operations while copying.*

AAPA and Armangau are analogous art because they are from the same field of endeavor, that being memory mapping systems.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to implement the mapping of Armangau's snapshot volume as AAPA's superpage mapping.

The motivation for doing so would have been to reduce delay when host write access to storage locations containing original data is delayed until the original data are transmitted to a backup storage device by providing a snapshot facility in the data storage system (Armangau, col. 2, lines 4-9).

Therefore, it would have been obvious to combine AAPA and Armangau for the benefit of obtaining the invention as specified in claim 1.

5. **As per claim 2**, the combination of AAPA/Armangau discloses said allocating step allocates a contiguous set of physical memory pages (AAPA, pg. 5, lines 14-16).

6. **As per claim 3**, the combination of AAPA/Armangau discloses said accessing step includes the step of directing a read operation for an address of the new page mapping which is currently being copied to a corresponding address of an old page mapping (Armangau, col. 2, lines 16-18).

7. **As per claim 4**, the combination of AAPA/Armangau discloses said accessing step includes the step of directing a write operation for an address of the new page mapping which is currently being copied to both the address of the new page mapping and a corresponding address of an old page mapping (Armangau, col. 15, line 52 – col. 16, line 13; Fig. 7B, elements 124-129).

8. **As per claim 5**, the combination of AAPA/Armangau discloses said accessing step includes the step of directing a write operation for an address of the new page

mapping which has not yet been copied to a corresponding address of an old page mapping (Armangau, col. 15, lines 43-51; Fig. 7B, elements 122 and 123).

9. **As per claim 6**, the combination of AAPA/Armangau discloses the step of updating an entry in a cache memory of the data processing system which corresponds to a memory location in the virtual memory page, by modifying an address tag of the cache entry according to the new page mapping (Armangau, col. 10, lines 50-54). *It should be noted that the primary directory within the cache contains addresses to memory locations in the new versions of the physical units.*

10. **As per claim 7**, AAPA discloses a memory controller comprising:

an input for receiving remapping instructions for a virtual superpage (pg. 5, lines 16-17).

AAPA does not expressly disclose a mapping table which temporarily stores entries of old page addresses and corresponding new page addresses associated with the page remapping instructions;

and a memory access device which directs the copying of memory pages from the old page addresses to the new page addresses while handling access operations which use the new page addressees, and releases the entries in said mapping table as copying for each entry is completed.

Armangau discloses a mapping table which temporarily stores entries of old page addresses and corresponding new page addresses associated with the page remapping instructions (col. 6, lines 42-48; Fig. 1, elements 20, 21, and 24); *It should be noted that the "backup command" is analogous to "remapping instructions."*

and a memory access device which directs the copying of memory pages from the old page addresses to the new page addresses while handling access operations which use the new page addressees, and releases the entries in said mapping table as copying for each entry is completed (col. 2, lines 16-18; col. 15, line 52 – col. 16, line 13; Fig. 7B, elements 124-129; col. 6, lines 42-50; col. 7, line 65 – col. 8, line 3; Fig. 1, element 21; Fig. 3, element 51). *It should be noted that the "storage controller" within the "primary data storage subsystem" is analogous to the "memory access device."*

AAPA and Armangau are analogous art because they are from the same field of endeavor, that being memory mapping systems.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to implement the mapping of Armangau's snapshot volume as AAPA's superpage mapping.

The motivation for doing so would have been to reduce delay when host write access to storage locations containing original data is delayed until the original data are transmitted to a backup storage device by providing a snapshot facility in the data storage system (Armangau, col. 2, lines 4-9).

Therefore, it would have been obvious to combine AAPA and Armangau for the benefit of obtaining the invention as specified in claim 7.

11. **As per claim 9**, the combination of AAPA/Armangau discloses said memory access device directs a read operation for a new page address which is currently being copied to a corresponding old page address (Armangau, col. 2, lines 16-18).

12. **As per claim 10**, the combination of AAPA/Armangau discloses said memory access device directs a write operation for a new page address which is currently being copied to both the new page address and a corresponding old page address (Armangau, col. 15, line 52 – col. 16, line 13; Fig. 7B, elements 124-129).

13. **As per claim 11**, the combination of AAPA/Armangau discloses said memory access device directs a write operation for a new page address which has not yet been copied to a corresponding old page address (Armangau, col. 15, lines 43-51; Fig. 7B, elements 122 and 123).

14. **As per claim 12**, the combination of AAPA/Armangau discloses said memory access device includes a state engine which sequentially reads the paired old and new pages addresses in said mapping table (Armangau, col. 6, lines 42-48; Fig. 1, element 21). *It should be noted that the "primary data storage subsystem" provides the functionality of a "state engine."*

15. **As per claim 13**, the combination of AAPA/Armangau discloses said memory access device further includes a direct memory access (DMA) engine controlled by said state engine which carries out actual copying of the memory pages (Armangau, col. 8, lines 4-9; col. 13, lines 17-28; Fig. 1, element 65). *It should be noted that the "snapshot copy facility" is analogous to the "DMA engine."*

16. **As per claim 14**, AAPA discloses a computer system comprising:

a new virtual superpage mapping (pg. 5, lines 13-16).

AAPA does not expressly disclose a processing unit;

an interconnect bus connected to said processing unit;

a memory array;

and a memory controller connected to said interconnect bus and said memory array, wherein said memory controller copies memory pages from old page addresses to new page addresses according to a new virtual superpage mapping while handling access operations which use the new page addresses and while said processing unit carries out program instructions using the new page addresses.

Armangau discloses a processing unit (col. 6, lines 1-2; Fig. 1, element 20);

an interconnect bus connected to said processing unit (Fig. 1, the "line" (i.e. bus) between the host the primary data storage subsystem)

a memory array (col. 6, lines 3-6; Fig. 1, element 27);

and a memory controller connected to said interconnect bus and said memory array, wherein said memory controller copies memory pages from old page addresses to new page addresses according to a new virtual superpage mapping while handling access operations which use the new page addresses and while said processing unit carries out program instructions using the new page addresses (col. 2, lines 16-18; col. 15, line 52 – col. 16, line 13; Fig. 7B, elements 124-129; col. 6, lines 42-50; Fig. 1, element 21; Fig. 3, element 51). *It should be noted that the "storage controller" within the "primary storage subsystem" is analogous to the "memory controller."*

AAPA and Armangau are analogous art because they are from the same field of endeavor, that being memory mapping systems.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to implement the mapping of Armangau's snapshot volume as AAPA's superpage mapping.

The motivation for doing so would have been to reduce delay when host write access to storage locations containing original data is delayed until the original data are transmitted to a backup storage device by providing a snapshot facility in the data storage system (Armangau, col. 2, lines 4-9).

Therefore, it would have been obvious to combine AAPA and Armangau for the benefit of obtaining the invention as specified in claim 14.

17. **As per claim 15**, the combination of AAPA/Armangau discloses said processing unit includes a processor core having a translation lookaside buffer (TLB) whose entries keep track of current virtual-to-physical memory address assignments (Armangau, col. 7, lines 18-20; Fig. 1, element 26); *It should be noted that the "primary directory" is analogous the "TLB."*

and said TLB entries are updated for the new page addresses prior to completion of copying of the memory pages by the memory controller (Armangau, col. 7, lines 49-64).

18. **As per claim 16**, the combination of AAPA/Armangau discloses said processing unit has a processor core and an associated cache (Armangau, Fig. 1, element 21; Fig. 3, element 52);

and said cache modifies an address tag of a cache entry which corresponds to a memory location in the new page addresses (Armangau, col. 10, lines 50-54). *It should*

be noted that the primary directory within the cache contains addresses to memory locations in the new versions of the physical units.

19. **As per claim 17**, the combination of AAPA/Armangau discloses said cache modifies the address tag of the cache entry in response to a determination that the cache entry contains a valid value which is not present elsewhere in the system (Armangau, col. 10, lines 50-67).

20. **As per claim 19**, the combination of AAPA/Armangau discloses said memory controller includes:

a mapping table which temporarily stores entries of old page addresses and corresponding new page addresses (Armangau, col. 7, lines 18-20; Fig. 1, element 26); *See the citation note for the similar limitation in claim 7 above.*

and a memory access device which directs the copying of the memory pages from the old page addresses to the new page addresses and releases the entries in said mapping table as copying for each entry is completed (Armangau, col. 6, lines 42-50; col. 7, line 65 – col. 8, line 3; Fig. 1, element 21). *See the citation note for the similar limitation in claim 7 above.*

21. **As per claim 20**, the combination of AAPA/Armangau discloses said processing unit, said interconnect bus, said memory array and said memory controller are all part of a first processing cluster, and further comprising a network interface which allows said first processing cluster to communicate with a second processing cluster, said memory controller having at least one pointer for a new page address which maps to a physical memory location in said second processing cluster (Armangau, col. 6, lines 1-3; Fig. 1,

element 22). *It should be noted that the "second storage subsystem" is analogous to the "second processing cluster." It should also be noted that it is inherently required the second storage subsystem include some sort of "interface" in order to communicate with the first storage subsystem.*

22. Claim 8 is rejected under 35 U.S.C. 103(a) as being obvious over AAPA in view of Armangau as applied to claim 7 above, and further in view of Romer et al. "Reducing TLB and Memory Overhead Using Online Superpage Promotion", hereafter "Romer."

23. The combination of AAPA/Armangau discloses all the limitations of claim 8 except said mapping table has 32 slots for receiving corresponding pairs of the old page addresses and new page addresses.

Romer discloses said mapping table has 32 slots for receiving corresponding pairs of the old page addresses and new page addresses (pg. 178, italicized section entitled "Table 2", line 4). *It should be noted that the "entries" is analogous to the "slots."*

The combination of AAPA/Armangau and Romer are analogous art because they are from the same field of endeavor, that being memory mapping systems.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to implement Romer's 32 slot TLB as AAPA/Armangau's primary directory.

The motivation for doing so would have been to improve system performance by increasing instructions per TLB miss (Romer, pg. 187, section entitled "Capacity Counters", last paragraph).

Therefore, it would have been obvious to combine AAPA/Armangau and Romer for the benefit of obtaining the invention as specified in claim 8.

24. Claim 18 is rejected under 35 U.S.C. 103(a) as being obvious over AAPA in view of Armangau as applied to claim 16 above, and further in view of Evans et al. (U.S. Patent 6,732,238).

25. The combination of AAPA/Armangau discloses discloses all the limitations of claim 18 except said cache further relocates the cache entry based on a changed congruence class for the modified address tag.

Evans discloses said cache further relocates the cache entry based on a changed congruence class for the modified address tag (col. 4, lines 27-34; col. 7, lines 48-64). *It should be noted that "associativities with different number of indices" is analogous to "different congruence classes."*

The combination of AAPA/Armangau discloses and Evans are analogous art because they are from the same field of endeavor, that being memory systems.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to implement Evans's TLB replacement algorithm within AAPA/Armangau's primary directory.

The motivation for doing so would have been an efficient and scalable implementation that provides good performance on the level of LRU, random, and clocked replacement algorithms (Evans, col. 4, lines 35-37).

Therefore, it would have been obvious to combine AAPA/Armangau and Evans for the benefit of obtaining the invention as specified in claim 18.

Response to Arguments

26. The indicated allowability of **claims 1-6** is withdrawn in view of the newly applied rejections using AAPA in view of Armangau. Rejections based on this combination appear above.

27. Applicant's arguments filed January 20, 2007 with respect to **claims 7-20** have been fully considered but they are not persuasive.

28. With respect to Applicant's argument in the second full paragraph on page 8 of the communication filed January 20, 2007, the Examiner respectfully disagrees. Armangau's "storage controller", as cited in the rejections above, sufficiently discloses Applicant's "memory controller", as simply and broadly claimed.

29. With respect to Applicant's argument in the third full paragraph on page 8 of the communication filed January 20, 2007, the Examiner respectfully disagrees. The Examiner submits that when it comes down to its most basic function, data backup is merely moving data from one or more sections of a computer's memory to another section of memory. The Examiner also submits that Armangau's "storage controller",

as cited in the rejections above, sufficiently discloses Applicant's "memory controller", as simply and broadly claimed.

30. With respect to Applicant's argument in the first full paragraph on page 9 of the communication filed January 20, 2007, the Examiner respectfully disagrees. Firstly, Applicant discusses the distinction between so called "system memory" and a "storage device", however, it is noted that the features upon which Applicant relies (i.e., "system memory") are not recited in the rejected claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Secondly, as stated earlier, when it comes down to its most basic function, data backup is merely moving data from one or more sections of a computer's memory to another section of memory. Therefore, Armangau's "backup command" discloses Applicant's "remapping instructions", as simply and broadly claimed, because the backup command is an instruction that moves memory pages. Lastly, Armangau's primary directory stores pointers to the location of the old and new versions (i.e. old and new memory page addresses) of the data within the system.

31. As for Applicant's arguments with respect to the dependent claims, the arguments rely on the allegation that independent claims 7 and 14 are allowable and therefore for the same reasons the dependent claims are allowable. However, as addressed above, independent claims 7 and 14 are not allowable, thus, Applicant's arguments with respect to the dependent claims are not persuasive.

Conclusion

STATUS OF CLAIMS IN THE APPLICATION

The following is a summary of the treatment and status of all claims in the application as recommended by MPEP 707.70(i):

CLAIMS REJECTED IN THE APPLICATION

Per the instant office action, **claims 1-20**have received a third action on the merits and are subject of a third action non-final.

RELEVANT ART CITED BY THE EXAMINER

The following prior art made of record and not relied upon is cited to establish the level of skill in Applicant's art and those arts considered reasonably pertinent to Applicant's disclosure. See MPEP 707.05(e).

1. U.S. Patent 6,182,198 (Hubis et al.) discloses a method and apparatus for providing a disc drive snapshot backup while allowing normal drive read, write, and buffering operations.

2. U.S. Patent 6,341,341 (Grummon et al.) discloses a system and method for enabling a snapshot container generated in a copy-on-write backup process to function in the presence of a data-handling system (e.g. a file system) that writes data to the backup disk is provided.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arpan P. Savla whose telephone number is (571) 272-1077. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sanjiv Shah can be reached on (571) 272-4098. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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